

FORM PTO-1390
(REV 10-94)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371ATTORNEY'S DOCKET NUMBER
(1171/42323) Case 150-PCT-US

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

10/518331

INTERNATIONAL APPLICATION NO.
PCT/NZ03/000152INTERNATIONAL FILING DATE
July 11, 2003PRIORITY DATE CLAIMED
July 12, 2002

TITLE OF INVENTION BREATHING ASSISTANCE APPARATUS

APPLICANT(S) FOR DO/EO/US David Fraser Wixey; Alastair Edwin McAuley; Christopher Earl Nightingale; Lewis George Gradon and Ivan Milivojevic

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the first page of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the specification of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith in the International Application (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (**UNEXECUTED**).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - a. ☒ Information Disclosure Statement.
 - b. ☒ Application Data Sheet
 - c. ☒ International Prelim. Examination Report
 - d. ☒ International Search Report

Certificate of Mailing by "Express Mail"

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Date of Deposit: December 15, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 35 CFR 1.10 on the date indicated above and is addressed to the Asst. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Tiffany E. Sexton

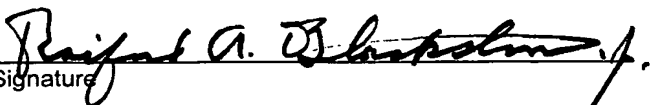
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

| | | | | | |
|---|--------------|---|------------|--|---------------------------|
| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/518331 | | INTERNATIONAL APPLICATION NO. PCT/NZ03/000152 | | ATTORNEY'S DOCKET NUMBER (1171/42323) Case 150-PCT-US | |
| 17. <input checked="" type="checkbox"/> The following fees are submitted: <input checked="" type="checkbox"/> a) Basic national fee\$300.00 <input checked="" type="checkbox"/> b) Examination fee\$200.00 <input checked="" type="checkbox"/> c) Search fee\$500.00 <div style="text-align: right;">TOTAL OF ABOVE CALCULATION = \$1000.00</div> | | | | \$ 300.00 \$ 200.00 \$ 500.00 \$ 1000.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheet (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total sheets | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| -100= | /50= | | X \$250.00 | \$ -0- | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | <input type="checkbox"/> 20 <input type="checkbox"/> 30 \$ -0- | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 18 - 20 = | -0- | X \$50.00 | \$ -0- | |
| Independent claims | 1 - 3 = | -0- | X \$200.00 | \$ -0- | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + | \$360.00 | \$ 360.00 |
| TOTAL OF ABOVE CALCULATIONS | | | | = | \$ 360.00 |
| Reduction by ½ for filing by small entity, if applicable. | | | | | \$ |
| SUBTOTAL | | | | = | \$ 1360.00 |
| Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | + | \$ -0- |
| TOTAL NATIONAL FEE | | | | = | \$ 1360.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | + | \$ -0- |
| TOTAL FEES ENCLOSED | | | | = | \$ 1360.00 |
| | | | | | Amount to be refunded: \$ |
| | | | | | Amount to be charged: \$ |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ 1360.00 to cover the above fees is enclosed. **b. <input type="checkbox"/> Please charge my Deposit Account No. 20-1495 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-1495. A duplicate copy of this sheet is enclosed. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |

SEND ALL CORRESPONDENCE TO:

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